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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,711	10/06/2000	Dimitri Kanevsky	YOR9-2000-0241-US1	2109

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[REDACTED] EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
2683	9

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/680,711	KANEVSKY ET AL.
	Examiner	Art Unit
	DANH C LE	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02 July 2003.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kita (US 6,263,218).

As to claim 1, Kita teaches a method of providing a data message to a passive device (figure 25) comprising:

- (a) identifying a location of said passive device (249) by finding a local service provider (245) that has control over communications of an active device (247) that is associated with said passive device (3); and
- (b) transmitting said data message to said system-local service provider for transmission to said passive device (col.26, lines 26-63).

As to claim 2, Kita teaches the method of claim 1, further comprising (c) identifying said active device with which said passive device is associated, and wherein said identity of said active device is used by step (a) (col.26, lines 26-63).

As to claim 3, Kita inherently teaches the method of claim 2, wherein step a accesses a database that contains said identity of said active device and a list of

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passive devices of said subscriber that are associated with said active device (col.23, lines 1-44).

As to claim 4, Kita teaches the method of claim 2, further comprising (d) identifying said passive device that is to receive said data message, and wherein said identity of said passive device is used by step (c) (col.23, lines 1-44).

As to claim 5, Kita teaches the method of claim 1, wherein said passive device is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper (figure 1, 27).

As to claim to claim 6, Kita teaches the method of claim 1, wherein said active device is a cellular telephone, and wherein said local service provider is a local cellular service provider in a cellular communication system (figure 1, 21).

As to claim 7, the claim is a system claim of the claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 8, the claim is a system claim of the claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 9, the claim is a system claim of the claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 10, the claim is a system claim of the claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 11, the claim is a system claim of the claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 12, the claim is a system claim of the claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 13, Kita inherently teaches passive device (figure 10, 27) comprising a personal article that has a display (141), a receiver (5') capable of receiving data via a wireless transmission, a transmitter (1') capable of transmitting an identity message only a short distance to an active device (247), and a controller for processing said data for display on said display (141) and said transmission of said identity message by said transmitter (col.26, lines 19-53).

As to claim 14, Kita teaches the passive device of claim 13, wherein said short distance is in a range of about zero foot to about 100 feet (col.27, lines 15-55).

As to claim 15, Kita teaches the passive device of claim 13, wherein said personal article is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper (watch).

As to claim 16, the claim is a program claim of the claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 17, the claim is a system claim of the claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 18, the claim is a system claim of the claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 19, the claim is a system claim of the claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 20, the claim is a system claim of the claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Kivela (US 6,272,359).

As to claim 21, Kita teaches a passive device (figure 25, 249) that is capable of receiving data messages from a local service provider (245), said passive device comprising:

a transmitter (1') that has a transmission range, which includes a nearby active device, but not said local service provider, and that transmits to said active device at least one signal that identifies said passive device and its location of close proximity to said active device for relay to a global registry; and

a receiver (5) that is capable of receiving said data messages from said local service provider after the identity and the location of said passive device has been entered in said global registry.

Kita fails to teach a transmitter is a low power transmitter. Kivela teaches a low power transmitter (col.10, lines 10-22). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the teaching of Kivela into the system of Kita in order to save the power of the wrist watch.

As to claim 22, Kita teaches the passive device of claim 21, wherein said signal is transmitted via wireless transmission, and wherein said data messages are received via wireless transmission (col.26, lines 20-55).

As to claim 23, Kita teaches the passive device of claim 21, further comprising a display and a processor that processes said data messages for presentation on said display (figure 27, 141, 128).

As to claim 24, Kita teaches the passive device of claim 21, wherein said active device is a cellular telephone, and wherein said local service provider is a local cellular service provider in a cellular communication system (figure 1, 247, 243)

As to claim 25, Kita teaches the passive device of claim 21, wherein said passive device is selected from the group consisting of: a watch, a pen, a telephone, a frame, and a beeper (watch).

As to claim 26, the claim is a system claim of the claim 21; therefore, the claim is interpreted and rejected as set forth as claim 21.

As to claim 27, the claim is a system claim of the claim 22; therefore, the claim is interpreted and rejected as set forth as claim 22.

As to claim 28, the claim is a system claim of the claim 23; therefore, the claim is interpreted and rejected as set forth as claim 23.

As to claim 29, the combine of Kita and Kivela teaches the method of claim 1, further comprising repeating steps (a) and (b) for an additional data message, wherein

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the local service provider identified by the repeated step (a) is a local service provider that currently has control over the communications of said active device. The combine of Kita and Kivela fails to teach the passive device is movable from said location to a new location and still able to receive said additional data message. The examiner takes Office Notice that the passive device is movable from said location to a new location and still able to receive said additional data message is obvious because the system data base keep track the location of the passive device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of the passive device is movable from said location to a new location and still able to receive said additional data message into the system of Kita and Kivela in order to enhance system performance of the communication system which send the data message to new location when the passive device move one location to another location.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Danh

Danh C.Le



WILLIAM TROST  
SUPERVISORY EXAMINER  
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